

OFFICIAL COPY

Fresno, California

October 31, 2000

The City Council met in regular session at the hour of 9:16 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Absent:	Chris Mathys	Councilmember
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Andy Souza, Interim City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Doug Erickson, The Maroa Home, gave the invocation, and District 4 Council Assistant Kinabrew led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "LAW ENFORCEMENT RECORDS SUPPORT PERSONNEL DAY"

PROCLAMATION OF "LEADERSHIP THROUGH BOARD SERVICE DAY"

PRESENTATION OF CERTIFICATES OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO THE CITY OF FRESNO - COUNCILMEMBER QUINTERO

PROCLAMATION OF "CLOVIS WEST GOLDEN EAGLE BAND AND COLOR GUARD DAY" - ACTING PRESIDENT BREDEFELD

RESOLUTION OF COMMENDATION TO PAMELA CHAPMAN - COUNCILMEMBER MATHYS

The above proclamations, certificates and resolution were read and presented.

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APPROVE MINUTES OF OCTOBER 24, 2000

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of October 24, 2000, approved as submitted.

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APPROVE AGENDA:

(5D) REQUEST CITY ATTORNEY TO PREPARE LEGAL OPINION REGARDING CITY COUNCILMEMBERS NOT LIVING IN THEIR COUNCIL DISTRICT AND POSSIBLE LIABILITY - PRESIDENT BOYAJIAN

(5E) REQUEST CITY MANAGER AND CITY ATTORNEY AS APPROPRIATE, TO PURSUE REQUEST OF FRESNO DEPUTY SHERIFF'S ASSOCIATION FOR SECTION 108 FUNDS TO ASSIST IN THE PURCHASE AND REHABILITATION OF A BUILDING LOCATED AT 1360 VAN NESS AVENUE (SOUTHEAST CORNER OF TUOLUMNE AND VAN NESS) AND REPORT BACK IN TWO WEEKS - COUNCILMEMBER RONQUILLO

(3B) CONSIDER MATTERS RELATING TO TELECOMMUNICATIONS SERVICES INCLUDING DETERMINATION ON PRIOR REQUEST FOR PROPOSALS (RFP), DETERMINATIONS ON CURRENT AGREEMENTS WITH MCI WORLDCOM AND PACIFIC BELL, AND APPROVAL OF NEW AGREEMENTS WITH MCI WORLDCOM AND/OR PACIFIC BELL DIRECTLY OR THROUGH THE STATE'S CALNET AGREEMENT, CONSULTANT SERVICES, AND/OR ISSUANCE OF A NEW RFP

At the request of Acting President Bredefeld and with Council concurrence, the above entitled **Item 5D** to be heard at 11:00 a.m. this date; and at the requests of Councilmembers Ronquillo and Perea and with Council concurrence, the above entitled **Items 5E** and **3B** to be heard after approval of the agenda and consent calendar.

On motion of Acting President Bredefeld , seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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ADOPT CONSENT CALENDAR :

(1A-1) AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) TO MANAGE THE SENIOR CITIZENS HOT MEALS PROGRAM; AND AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR TO EXECUTE THE AGREEMENT FOR SITE MANAGEMENT OF THE PROGRAM WITH THE FMAAA

(1A-2) APPROVE CONTRACT CHANGE ORDER NOS. 3 AND 4 WITH ROYAL ELECTRIC COMPANY FOR THE FCMA SIGNAL SYNCHRONIZATION PROJECT PHASE I IN THE AMOUNTS OF \$403,139.70 AND \$389,054, RESPECTIVELY; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE CHANGE ORDERS ON BEHALF OF THE CITY

(1A-3) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO GRAYBAR ELECTRIC IN THE AMOUNT OF \$33,765.09 FOR STREETLIGHT EQUIPMENT

(1A-4) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO SIERRA CHEMICAL COMPANY IN THE ESTIMATED AMOUNT OF \$337,433 FOR SODIUM HYPOCHLORITE

(1A-5) APPROVE SUBMISSION OF THE ANNUAL TRANSPORTATION FUNDING CLAIM FOR FRESNO'S LOCAL TRANSPORTATION FUND (LTF) AND STATE TRANSIT ASSISTANCE (STA) ENTITLEMENT IN THE AMOUNT OF \$12,882,463 (OF WHICH \$11,877,293 WILL BE AVAILABLE FOR FRESNO AREA EXPRESS TRANSIT OPERATIONS); AND AUTHORIZE THE TRANSIT GENERAL MANAGER TO EXECUTE ALL CLAIM DOCUMENTS ON BEHALF OF THE CITY

(1A-6) * **RESOLUTION NO. 2000-315** - 60TH AMENDMENT TO AAR 2000-183 TRANSFERRING \$500,000 FROM THE CONTINGENCY TO EXPENSE ACCOUNT FOR THE PURPOSES OF PROVIDING UNINTERRUPTED TRAINING TO POLICE PERSONNEL

(1A-7) **RESOLUTION NO. 2000-316** - DESIGNATING THE JOSIAH ROYCE HALL, FRESNO HIGH SCHOOL, 1839 N. ECHO AVENUE, AS A HERITAGE PROPERTY ON THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES (DISTRICT 1)

(1A-8) AWARD (a) A FIVE-YEAR REQUIREMENTS CONTRACT TO ORION BUS INDUSTRIES FOR STANDARD FLOOR, 30, 35, AND 40-FOOT BUSES WITH EITHER CNG OR CLEAN DIESEL ENGINES AND 40-FOOT STANDARD FLOOR BUSES WITH LNG ENGINES. AN INITIAL ORDER OF 25 STANDARD FLOOR BUSES WILL BE PLACED WITH ENGINE FUEL TYPE TO BE DETERMINED AT A LATER DATE, AT A COST OF \$6,890,515.63 TO \$8,158,046.88 DEPENDING ON FUEL TYPE; (b) A FIVE-YEAR REQUIREMENTS CONTRACT TO GILLIG CORPORATION FOR LOW FLOOR, 30, 35 AND 40-FOOT BUSES WITH CLEAN DIESEL ENGINES 30 AND 35-FOOT STANDARD FLOOR BUSES WITH LNG ENGINES. NO INITIAL ORDER WILL BE PLACED BUT FUTURE ORDERS MAY BE PLACED AGAINST THE CONTRACT AS NEEDED; AND (c) A FIVE-YEAR REQUIREMENTS CONTRACT TO NEOPLAN USA FOR 60-FOOT ARTICULATED BUSES WITH CLEAN DIESEL ENGINES. AN INITIAL ORDER FOR 10 BUSES WILL BE PLACED AT A COST OF \$4,524.879.00

(1A-9) AWARD A CONTRACT TO LOCKWOOD GENERAL ENGINEERING IN THE AMOUNT OF \$236,140 TO CONSTRUCT A MULTI-CULTURAL CORRIDOR ON CALTRANS PROPERTY AT BELMONT AND SAN PABLO AVENUES, SUBJECT TO NO APPEAL BEING RECEIVED BEFORE 5:00 P.M. ON 10/31/00

(1A-10) * **RESOLUTION NO. 2000-317** - 59TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$12,500 OF THE BULLET PROOF VESTS PARTNERSHIP (BVP) GRANT FUNDS TOWARDS THE PURCHASE OF BALLISTIC VESTS

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(5E) REQUEST CITY MANAGER AND CITY ATTORNEY AS APPROPRIATE, TO PURSUE REQUEST OF FRESNO DEPUTY SHERIFF'S ASSOCIATION FOR SECTION 108 FUNDS TO ASSIST IN THE PURCHASE AND REHABILITATION OF A BUILDING LOCATED AT 1360 VAN NESS AVENUE (SOUTHEAST CORNER OF TUOLUMNE AND VAN NESS) AND REPORT BACK IN TWO WEEKS - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo and Mike Robinson, President, Fresno Deputy Sheriffs Association, gave a brief overview of the issue and requested Council's support.

Barbara Hunt, 944 "F" Street, spoke in opposition.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager and City Attorney requested to pursue the request of the Fresno Deputy Sheriff's Association for Section 108 funds to assist in the purchase and rehabilitation of a building located at 1360 Van Ness Avenue (southeast corner of Tuolumne and Van ness) and report back in two weeks, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(9:30 A.M.) PRESENTATION OF THE STATE OF HISTORIC PRESERVATION REPORT BY THE CITY OF FRESNO HISTORIC PRESERVATION COMMISSION (HPC)

Scott Vincent, HPC Chair, reviewed the report as submitted to Council, displayed before and after photographs of a home at Palm and Brown Avenues restored by Doug Erickson, and along with President Boyajian presented a proclamation commending Mr. Erickson. Brief discussion ensued, Mr. Erickson, Mr. Vincent, the HPC and staff were commended for their contributions and work, and Mr. Vincent responded briefly to questions of President Boyajian and Councilmember Ronquillo relative to the Kearney Boulevard entry sign and funding.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Historic Preservation Commission's State of Historic Preservation Report hereby accepted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(9:45 A.M.) CONTINUED TEFRA HEARING RELATING TO SAINT AGNES REVENUE BONDS

1. RESOLUTION NO. 2000-318 - AUTHORIZING THE ISSUANCE OF UP TO \$155,000,000 OF VARIABLE RATE REVENUE BONDS (TRINITY HEALTH CREDIT GROUP), SERIES 2000C, TO FINANCE IMPROVEMENTS AT SAINT AGNES MEDICAL CENTER AND RELATED MATTERS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke in opposition **(2 - 0)**.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-318 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Marhys

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(3B) CONSIDER MATTERS RELATING TO TELECOMMUNICATIONS SERVICES INCLUDING DETERMINATION ON PRIOR REQUEST FOR PROPOSALS (RFP), DETERMINATIONS ON CURRENT AGREEMENTS WITH MCI WORLDCOM AND PACIFIC BELL, AND APPROVAL OF NEW AGREEMENTS WITH MCI WORLDCOM AND/OR PACIFIC BELL DIRECTLY OR THROUGH THE STATE'S CALNET AGREEMENT, CONSULTANT SERVICES, AND/OR ISSUANCE OF A NEW RFP

1. * RESOLUTION - 63RD AMENDMENT TO AAR 2000-183 APPROPRIATING \$112,100 TO PAY FOR INSTALLATION COSTS OF \$99,100 AND SERVICE CHARGES TOTALING \$13,000 RELATED TO THE COMMUNICATIONS SERVICES CONTRACT WITH PACIFIC BELL

Councilmember Ronquillo left the meeting at 10:08 a.m, participated in the employee service awards presentation, and returned later in the meeting. Councilmember Perea gave a brief overview and made a motion to approve and move all telecommunications services under a Pacific Bell/CALNET agreement including a portion of the MCI agreement not to legal form, with the remaining MCI agreement (which expires 6/30/01) to be included effective July 1, 2001. The motion was seconded and acted upon after lengthy discussion.

Information Services Director Cluff stated in addition to the numbers contained in the appropriation resolution an additional \$80,000 would be needed, and along with City Attorney Montoy explained issues in the agreement (boiler plate) and how some changes would not be able to be made (i.e. indemnity, insurance coverage requirements).

Mr. Cluff and Ms. Montoy responded to questions of Councilmember Steitz and/or clarified issues relative to what services MCI was currently providing, agreements entered into with MCI with only one being valid, if any services would overlap, what services Pacific Bell would provide if the motion were approved, if there would be any double-billing, amount needed to install/transfer the new services, why Pac Bell could not use current T-1 lines and why new ones would have to be installed, and why a five-year agreement was being requested.

Due to the amount of time the matter was taking, Council recessed at 10:21 a.m. to present the employee service awards.

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(10:00 A.M.) PRESENTATION OF EMPLOYEE SERVICE AWARDS

Council presented Certificates of Appreciation to employees with 10, 15, 20, 25, 30 and 35 years of service and a reception was held on the second floor foyer to honor the employees.

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Council reconvened in the Council Chambers at 11:27 a.m. and proceedings continued on **Item 3B.**

Mr. Cluff, Eric Johnson and Julie Tone, representing Pacific Bell, and Interim City Manager Souza clarified issues and/or responded to questions of Councilmember Steitz at length relative to Pac Bell's and MCI's monthly service costs outlined in the staff report, where the numbers came from, if the latest numbers could be trusted, what services were included in the numbers, if Pac Bell's numbers were correct, if \$112,000 was needed to install the services, what the \$13,000 in the appropriation resolution was for, MCI's numbers, if the City would be locked into the charges for five years, ability to re-negotiate costs, matters relative to the T-1 lines, and why the City should go with Pacific Bell when there would be a monthly savings of \$1,800 if they stayed with the current MCI contract.

Councilmember Perea stated the issue was dealt with piecemeal and was wrong, clarified prior direction to staff was to transfer the services to Pacific Bell this date, and emphasized the issue was Pacific Bell would give the best value and quality of service.

Acting President Bredefeld and Councilmember Quintero spoke in support of Pac Bell, and Mr. Johnson and Ms. Tone responded to questions of relative to Pac Bell's lawsuit against the City and why Pac Bell would provide the best service in the event of an emergency or disaster.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, a contract for all telecommunications services under a Pacific Bell/CALNET agreement hereby approved including that portion of the current MCI agreement not to legal form, and the remaining MCI agreement (which expires 6/30/01) to be included in the Pacific Bell agreement effective July 1, 2001, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Steitz
Absent	:	Mathys, Ronquillo

1. * RESOLUTION - 63RD AMENDMENT TO AAR 2000-183 APPROPRIATING \$112,100 TO PAY FOR INSTALLATION COSTS OF \$99,100 AND SERVICE CHARGES TOTALING \$13,000 RELATED TO THE COMMUNICATIONS SERVICES CONTRACT WITH PACIFIC BELL

Upon question of Councilmember Perea, Ms. Montoy advised the appropriation resolution was necessary for the agreement just approved.

A motion of Councilmember Perea, seconded by Councilmember Quintero, to adopt the above resolution failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Steitz
Absent	:	Mathys, Ronquillo

Councilmember Perea directed staff to re-schedule the resolution for the next meeting.

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(10:30 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-00-06, FILED BY THE CITY OF FRESNO, TO AMEND THE ROOSEVELT COMMUNITY PLAN AND BUTLER/WILLOW SPECIFIC PLAN FROM THE “BIKE PATH” TO “BIKE LANE” DESIGNATION FOR STREETS DESIGNATED BA-30 AND BA-15
1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-00-06, A-00-11, DATED SEPTEMBER 11, 2000

2. RESOLUTION NO. 2000-319 - AMENDING THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-71 - ORDINANCE NO. 2000-70 - AMENDING THE BUTLER/WILLOW SPECIFIC PLAN

(3 - 0) President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff’s recommendation. Planning Manager Haro and City Engineer Salazar responded to questions of Councilmember Quintero relative to whether the designation would change when Peach Avenue was widened and if Butler Avenue would have to be widened.

Nick Paladino, 8735 N. Cedar #130, spoke in support. Councilmember Perea briefly left the meeting at 12:00 noon.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, Environmental Assessment/Negative Declaration No. A-00-06, A-00-11, dated 9/11/00, hereby approved; the above entitled Resolution No. 2000-319 adopted, and the above entitled Bill No. B-71 adopted as Ordinance No. 2000-70, by the following vote:

Ayes	:	Bredefeld, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys, Perea, Ronquillo

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(10:45 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. NO. A-00-11, FILED BY PAYNTER REALTY AND INVESTMENT, TO DESIGNATE WINERY AVENUE AS A THROUGH PUBLIC STREET BETWEEN E. LANE AVENUE AND E. KINGS CANYON ROAD ON BOTH THE ROOSEVELT COMMUNITY PLAN AND THE BUTLER/WILLOW SPECIFIC PLAN

1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-00-06, A-00-11

2. RESOLUTION NO. 2000-320 - AMENDING THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-72 - ORDINANCE NO. 2000-71 - AMENDING THE BUTLER/WILLOW SPECIFIC PLAN

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff’s recommendation.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, Environmental Assessment/Negative Declaration No. A-00-06, A-00-11 hereby approved; the above entitled Resolution No. 2000-320 adopted, and the above entitled Bill No. B-72 adopted as Ordinance No. 2000-71, by the following vote:

Ayes : Bredefeld, Quintero, Steitz, Boyajian
Noes : None
Absent : Mathys, Perea, Ronquillo

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(11:15 A.M.) HEARING TO CONSIDER THE CANCELLATION OF A PORTION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 8, AND ENVIRONMENTAL FINDINGS, FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF S. ORANGE AND E. NORTH AVENUES

1. RESOLUTION NO. 2000-321 - APPROVING THE CANCELLATION OF A PORTION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 8

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation. Councilmember Perea returned to the meeting at 12:04 p.m.

Barbra Hunt, 944 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-321 granting tentative cancellation of Agricultural Land Conservation Contract No. 8 for the 4.97+ acre parcel which shall become final upon payment of the required cancellation fee to the Fresno County Treasurer hereby adopted, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes : None
Absent : Mathys, Ronquillo

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(11:30 A.M.) PRESENTATION OF THE FEASIBILITY STUDY TO RENOVATE THE HISTORIC SANTA FE DEPOT

1. AUTHORIZE STAFF TO PURSUE FINAL DESIGN OF THE SANTA FE DEPOT RENOVATION FOR USE AS THE NEW FRESNO INTERCITY RAIL STATION

2. AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH AN ARCHITECT FOR FINAL DESIGN FOLLOWING THE INTERVIEW AND SELECTION PROCESS; AND

3. AUTHORIZE STAFF TO RETAIN THE ARCHITECTURAL SERVICES OF THOMPSON & ASSOCIATES UNTIL THE CONSULTANT SELECTION PROCESS IS COMPLETE FOR FINAL DESIGN

Councilmember Perea noted Senator Costa was in attendance and commended him for all his efforts. City Construction Engineer Kassabian reviewed the staff report as submitted. A motion and second was made to approve staff's recommendation.

Senator Costa gave a status report and spoke in support of moving the issue forward. Councilmember Ronquillo returned to the meeting at 12:08 p.m. Richard Thompson, Thompson & Associates, and Scott Ramsdal displayed the site plan and gave an overview of the project and construction costs.

Speaking to the issue were: Barbara Hunt, 944 'F' Street; and Ross Thompson, who presented questions relative to trains blocking Tulare Avenue and noise issues, with Mr. Kassabian responding.

Discussion ensued and Mr. Thompson, Mr. Ramsdal and Mr. Kassabian clarified issues and responded to questions of Councilmembers Steitz, Ronquillo and President Boyajian relative to the schematics, how accurate the estimates were, if the tracks were part of the project, parking and expansion of the south parking lot, negotiations with BNSF and if the December 15th timeline was realistic, funds needed for BNSF to move, no need to go through the CTC since the project changed, costs of schematics 1 and 2, utilizing only a portion of the building, interior work and what the costs would cover, and the chances of Greyhound moving to the station. Council thanked Senator Costa for all his support and efforts and Senator Costa thanked Council.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, staff authorized to (1) pursue final design of the Santa Fe Depot renovation for use as the new Fresno Intercity Rail Station, (2) enter into an agreement with an architect for final design following the interview and selection process; and (3) retain the architectural services of Thompson & Associates until the consultant selection process is complete for final design, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(3A) BILLS FOR ADOPTION AMENDING THE FRESNO MUNICIPAL CODE RELATIVE TO THE DROP PROGRAM TO EXPAND THE BENEFIT CALCULATION OPTIONS TO THE EXISTING FOUR OPTIONS CURRENTLY AVAILABLE TO MEMBERS IN BOTH RETIREMENTS SYSTEMS

a. *BILL NO. B-68 - ORDINANCE NO. 2000-72 -AMENDING FMC SECTION 2-1744 RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE FIRE AND POLICE RETIREMENT SYSTEM

b. *BILL NO. B-69 - ORDINANCE NO. 2000-73 -AMENDING FMC SECTION 2-1744A RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE FIRE AND POLICE RETIREMENT SYSTEM

c. *BILL NO. B-70 - ORDINANCE NO. 2000-74 - AMENDING FMC SECTION 2-1852 RELATING TO POST-RETIREMENT OPTIONS AVAILABLE TO DROP PARTICIPANTS IN THE EMPLOYEE4S RETIREMENT SYSTEM

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill Nos. B-68, B-69 and B-70 adopted as Ordinance Nos. 2000-72, 2000-73 and 2000-74, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(5A) * RESOLUTION NO. 2000-322 - 61ST AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,200 OF DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE PURCHASE OF NEW EQUIPMENT FOR THE SUNNYSIDE GIRLS SOFTBALL LEAGUE - COUNCILMEMBER PEREA

Barbara Hunt, 944 “F” Street, spoke in opposition **(4 - 0)**. Councilmember Steitz briefly left the meeting at 12:44 p.m.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-323 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	Mathys, Steitz

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Councilmember Steitz returned to the meeting at 12:45 p.m.

(5B) * RESOLUTION NO. 2000-323 - 62ND AMENDMENT TO AAR 2000-183 APPROPRIATING \$700 OF DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE PURCHASE OF PLANTERS TO BE LOCATED AT 1302 VAN NESS AVENUE - COUNCILMEMBERS MATHYS AND RONQUILLO

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-323 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

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(5C) REQUEST THE CITY MANAGER TO FIND FUNDING FOR A GRANT WRITER FOR THE PARKS DEPARTMENT AND PUBLIC WORKS DEPARTMENT - PRESIDENT BOYAJIAN

Briefly reviewed by President Boyajian who spoke in support and to the need for good grant writers stating the City was not proactive and was losing out on needed state and federal funds. Upon question of Councilmember Ronquillo, Interim City Manager Souza and City Attorney Montoy stated the issue of paying commissions to grant writers would have to be looked into.

Barbara Hunt, 944 ‘F’ Street, spoke to the issue.

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager requested to find funding for a grant writer for the Parks Department and Public Works Department, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : Mathys

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(5D) REQUEST CITY ATTORNEY TO PREPARE LEGAL OPINION REGARDING CITY COUNCILMEMBERS NOT LIVING IN THEIR COUNCIL DISTRICT AND POSSIBLE LIABILITY - PRESIDENT BOYAJIAN

Briefly reviewed by President Boyajian who noted the issue had come up before and he was not singling out one individual, and questioned if there was anything Council could do and if this was more of a legal/court-type issue. City Attorney Montoy responded and stated the only real way to determine if someone was or was not a resident was through the courts. President Boyajian stated he wanted an overview of the issue and what Council's responsibilities were.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Councilmember Ronquillo stated there was a process and it was up to Council on whether to get involved, noted a determination needed to be made on what was trying to be accomplished, and added there would be a cost to go through the courts. Upon question of Acting President Bredefeld, Ms. Montoy stated it was her understanding votes cast would still be valid if a Councilmember lost his residency but she could look into it further and provide an analysis.

Councilmember Steitz made a motion to direct the City Attorney to prepare an opinion as outlined above, requested all City elected officials be included, and spoke to the issue stating he was not getting any calls and he felt it was a mistake to agendize matters based on Fresno Bee articles. Acting President Bredefeld seconded the motion.

Brief discussion ensued on who the investigative body would be, the issue of allowed dual residencies, City Charter requirements and its referral to the Election Code, and how much staff time would be involved to review the matter further. Councilmember Perea stated this seemed like a waste of time and upon question Ms. Montoy advised the review/analysis would take approximately 30 to 40 hours whereupon Councilmember Steitz withdrew his motion. Councilmember Perea stated at issue was whether Council believed another Councilmember did not live in his district and stated he did not see a set of facts and reiterated this would be a waste of time. Acting President Bredefeld stated the issue was if Council wanted to look at a potential liability due to a member not residing in his district stressing it was worth knowing, and clarified this was not about Fresno Bee articles and accuracy.

A motion of Acting President Bredefeld, seconded by President Boyajian, to request City Attorney to prepare a legal opinion regarding City Councilmembers not living in their council district and possible liability failed, by the following vote:

Ayes : Bredefeld, Ronquillo, Boyajian
Noes : Perea, Quintero, Steitz
Absent : Mathys

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(5F) DIRECT THE COUNCIL LAND USE COMMITTEE TO REVIEW THE CLOVIS GENERAL PLAN AND RE-OPEN DISCUSSIONS WITH FRESNO COUNTY REGARDING REGIONAL PLANNING - COUNCILMEMBER PEREA

Briefly reviewed by Councilmember Perea who stated Clovis had their plan but the City and County had not yet reached agreement and he felt it was prudent to redirect the same Council committee, or name a new committee, to move forward and initiate discussions with Clovis and get to the table with Fresno County to reach some agreement.

Barbara Hunt, 944 'F' Street, spoke to the issue.

Development Director Yovino, Councilmember Perea and Interim City Manager Souza clarified issues and responded to questions of Councilmember Steitz and Acting President Bredefeld relative to whether Council had a say on Clovis' sphere of influence, the general plan process, if Clovis or the County could veto the City's plan due to the sphere not being increased, if Fresno could override Clovis's plan because their sphere was expanding, if staff supported the proposed direction, recent meeting held with Clovis and why Council or the subcommittee was not informed of that meeting. Councilmembers Steitz and Bredefeld spoke in support of the direction and Councilmember Ronquillo commented on the issue stating his main concern was the constant commercial growth and explained.

A motion and second was made to approve direction and President Boyajian stated he would appoint a committee.

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the Council Land Use Committee directed to review the Clovis General Plan and re-open discussions with Fresno County regarding regional planning, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys

Acting President Bredefeld noted a committee was already in place consisting of himself and Councilmembers Steitz and Quintero and questioned if any other member was interested in serving since he would be leaving. Councilmember Perea stated he was interested and by Council consensus was selected to serve on the committee along with Councilmembers Quintero and Steitz.

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(5G) REQUEST FOR UPDATE ON CONTRACT NEGOTIATIONS BETWEEN THE CITY AND BROWNING FERRIS INDUSTRIES (BFI) FOR THE CALWA AREA - COUNCILMEMBER QUINTERO

Upon request of Councilmember Quintero, Interim Public Utilities Director McIntyre gave an oral update report stating staff was one day away from transitioning from BFI to City pick-up adding there were advantages to City collection, and explained issues relative to BFI's request to discuss the current agreement which he stated was at a disadvantage to the rate-payers **(5 - 0)**.

Discussion ensued with City Attorney Montoy, Mr. McIntyre and Interim City Manager Souza responding to questions and concerns of Councilmember Quintero relative to whether there was anything in the current contract that allowed the change-over to City pickup without Council approval, when the contract would expire, residents' satisfaction with BFI's service, if staff had ever negotiated numbers, and ability to negotiate. Councilmember Quintero stated he wanted the City to negotiate with BFI and obtain numbers and cost comparisons (with Mr. McIntyre stating he already had numbers), questioned what comparisons were made and what the numbers were, and again requested staff negotiate the numbers.

Upon question of President Boyajian, Ms. Montoy stated there was no legal obligation to negotiate with BFI as Calwa residents were in the city. Mr. Souza stated staff had no problem with meeting with BFI and looking at the numbers but added the City would ensure that pick-ups occurred. Upon further question of President Boyajian, Ms. Montoy stated contracting with BFI was an option with Councilmember Quintero adding it was already being done in Pinedale. Mr. McIntyre responded to additional questions of Councilmember Quintero relative to issues on Huntington Boulevard that were still unresolved.

Councilmember Quintero made a motion to extend the contract with BFI until numbers were compared and negotiations took place, whereupon Ms. Montoy ruled the motion impermissible due to how the matter was titled on the agenda. Councilmember Quintero directed staff to schedule on November 14th at a time certain an action item relative to negotiating with BFI. There was no further discussion.

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(7A) CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - COUNCILMEMBER QUINTERO:
CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW SOUZA
EMPLOYEE ORGANIZATIONS: FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE (FPOA); INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE NON-MANAGEMENT (IAFF); AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 FIRE MANAGEMENT (IAFF)

Laid over two weeks.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 1:49 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 14th day of November, 2000.

ATTEST:

Tom Boyajian, Council President

Yolanda Salazar, Assistant City Clerk